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Vilma I. Fernandez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

SERIAL NO.	09/909,238
APPLICANT	GERD HOBOM ET AL.
FILED	July 19, 2001
EXAMINER	TO BE ASSIGNED
ART UNIT	1614
FOR	RECOMBINANT INFLUENZA VIRUSES WITH BICISTRONIC vRNAs CODING FOR TWO GENES IN TANDEM ARRANGEMENT

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Hon. Assistant Commissioner of Patents  
United States Patent and Trademark Office  
BOX SEQUENCE  
PO BOX 2327  
Arlington, VA 22202

March 7, 2003

**RESPONSE AND AMENDMENT**

Sir:

This communication is in response to the Office Action dated January 30, 2003.

Entry of the amendments and consideration of the remarks is respectfully solicited.

**CONDITIONAL PETITION FOR EXTENSION OF TIME**

If any extension of time for this response is required, Applicants request that this be considered a petition therefore. Please charge the required fee to Deposit Account No. 14-1263.

**ADDITIONAL FEES**

Please charge any further insufficiency of fees, or credit any excess to Deposit Account No. 14-1263.

**ITEMS BEING SUBMITTED**

Submitted herewith is/are

- a) A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 1.821(e) and 1.824.
- b) A statement that the content of each "Sequence Listing" previously submitted and each computer readable copy are the same, as required in 37 CFR 1.821(g).
- c) A statement under 37 CFR 1.821(g) that the submission includes no new matter.
- d) A copy of the NOTICE TO COMPLY...SEQUENCE DISCLOSURES.

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME  
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

I hereby state that each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate. All papers accompanying this submission, or for which a request for transfer from applicant's other application, introduce no new matter.

Respectfully Submitted,

**Norris, McLaughlin & Marcus**

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Theodore Gottlieb, PhD

Reg. No. 42,597



Commissioner for Patents  
Washington, DC 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/909,238	07/19/2001	Gerd Hobom	100725-10/Kreisler 1092-K

CONFIRMATION NO. 8656

27384

KURT BRISCOE  
NORRIS, MCLAUGHLIN & MARCUS, P.A.  
220 EAST 42ND STREET, 30TH FLOOR  
NEW YORK, NY 10017

FORMALITIES LETTER



\*OC000000009451777\*

Date Mailed: 01/30/2003

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

*Filing Date Granted*

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

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PART 2 - COPY TO BE RETURNED WITH RESPONSE

012

## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/909,238D  
Filing Date: 07/19/2001  
Date Processed by STIC: 11/15/03

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

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- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)  
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Revised 01/29/2002

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PTO/SB/21 (12-97)

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<b>TRANSMITTAL FORM</b> (To be used for all correspondence after initial filing)	Application Number	09/909,238
	Filing Date	July 19, 2001
	First Named Inventor	HOBOM et al.
	Group Art Unit	1614
	Examiner Name	To Be Assigned
Total Number of Pages in This Submission	Attorney Docket Number	100725-10/Kreisler 1092-KGB

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
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<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Small Entity Statement	- Duplicate diskette containing Sequence Listing, copy of Notice to Comply
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Request for Refund	
Remarks:		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Theodore A. Gottlieb NORRIS McLAUGHLIN & MARCUS, P.A.
Signature	 Reg. No. 42,597
Date	March 7, 2003

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Typed or printed name	Vilma I. Fernandez		
Signature		Date	March 7, 2003

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